



# BOARD OF COMMISSIONERS LAPORTE COUNTY Office Annex

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William Hager,  
President

Michael Bohacek,  
Vice President

Barbara Huston,  
Member

## LAPORTE COUNTY COMMISSIONERS

TUESDAY, September 16, 2008

The LaPorte County Board of Commissioners met in a regular session on Tuesday, September 16, 2008, at 10:00 a.m., in the LaPorte County Complex Meeting Room #3.

Commission President, William Hager, called the meeting to order at 10:00 a.m.

Present at the meeting were Commission President, William Hager, Commission Vice President, Michael Bohacek, and Commission Member, Barbara Huston. Also present, LaPorte County Auditor Teresa Shuter, LaPorte County Attorney, Robert Szilagyi, and Executive Secretary, Reathel Noveroske.

### PLEDGE OF ALLEGIANCE

Mr. Robert Szilagyi led the pledge of allegiance.

### APPROVAL OF AGENDA

Mrs. Huston made a motion to approve the agenda, seconded by the chair, motion carried by voice vote 2-0.

### APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of September 2, 2008, seconded by the chair, motion carried by voice vote 2-0.

Mrs. Huston made a motion to approve the minutes of Special Meeting, September 5, 2008, seconded by the chair, motion carried by voice vote 2-0.

### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

### CLAIMS

Mrs. Huston made a motion to approve payroll ending September 19, 200, seconded by the chair, motion carried by voice vote 2-0.

Miscellaneous Claims—\$ 277,407.08, Mrs. Huston made a motion to approve, seconded by the chair, motion carried by voice vote 2-0.

Regular Claims—\$1,957,186.75, Mrs. Huston made a motion to approve, seconded by the chair, motion carried by roll call vote 2-0.

Consideration of Claims Deferred From September 2, 2008

Mrs. Huston made a motion to approve payment of deferred claims, seconded by the chair, motion carried by roll call vote 2-0.

#### CORRESPONDENCE

None

#### REQUESTS

Jack L. Arnett, Executive Director of LaPorte County Convention and Visitors Bureau/  
Commissioners Appointment to Board of Managers.

Mr. Arnett, As you are aware a vacancy has been created due to someone moving out of state. We have submitted a name for consideration for the appointment to the Board of Managers.

Mrs. Huston made a motion to approve Deann Patena to fill the vacated position on the board, seconded by the chair, motion carried voice vote 2-0.

Kasey Foreman, In-House Printing Office Manager/Additional Appropriation

Mrs. Foreman, I have been asked to purchase envelopes and paper for the Treasurer's Office. This request is for the mailing of the provisional tax bills. I am asking for additional funds for this purpose.

Mr. Hager, does the Treasurer's Office have money for this?

Mrs. Shuter, no they do not. We have discussed with Kasey the possibility if we have another billing prior to the end of the year to reconcile either 2006 pay 2007 and/or 2007 pay 2008 we may need to come back.

Mrs. Huston made a motion to approve the request, seconded by the chair, motion carried by roll call vote 2-0.

Dave Lamb, Michigan City Fire Chief/Donation for Training Tower Facility

Deputy Chief Price here on behalf of Fire Chief David Lamb, we are here to see if LaPorte County will participate. Michigan City has been designated as the District 1 fire training facility. We are here to ask for funds to offset some of our costs. We have had donations. We have a plan book for you. We take care of District 1, which includes Jasper, Lake, Porter, and Newton Counties and we help out District 2, which is St. Joseph County. The monetary amount we are asking for is \$20,000.00.

Mr. Hager, how much do you have to have?

Project Coordinator Chief Kyle Kazmierczak, let me reiterate that Michigan City put on a presentation that gave us the OK to represent District 1. The state of Indiana is divided up into 10 districts so this is an amazing feat. With the state and international mandates on firefighters to update and maintain their training, all departments in LaPorte County will be able to utilize this training tower. The \$20,000 we are asking for will go towards this project. The Michigan City Fire Department has contributed to this project; also work is being done by Woodruff Construction, and things are being donated by other entities in LaPorte County. As to date, the total training center cost is \$2,724,226.00. The grant that we have right now is for \$100,000.00 and that is already earmarked.

Mrs. Huston, I think this is a valuable tool. I have seen one in Indianapolis and I think this is long overdue. However, did you state that you would make it available to volunteer departments in the county?

Chief Kazmierczak, it is available to career and non career departments at no charge.

Mrs. Huston, this is a new facility? Did you have a tower available to you anywhere?

Chief Kazmierczak, no, this is one of a kind and this is the only tower in Northwest Indiana.

Mr. Hager, where will this be located?

Chief Kazmierczak, this will be located on Hitchcock Road, between Woodlawn and Earl Road in a non residential community. The materials will be delivered October 13, 2008 and we are projecting that two weeks afterwards, we will be up and running.

Mr. Hager, how much is Michigan City donating?

Chief Kazmierczak, the city is going to donate. We have not approached the city of LaPorte.

Mrs. Huston made a motion to table, seconded by the chair, motion carried by voice vote 2-0.

#### OLD BUSINESS

##### Ordinance Setting Speed Limit on a portion of Country Club Drive

Mr. Hager, Whereas, the LaPorte Community School Corporation has changed the entrance to the new Critchfield School; and whereas it is necessary to re-establish the speed limit on Country Club Drive to be consistent with other school entrances. Now therefore, be it ordained by the Board of Commissioners of LaPorte County that: that Chapter 7, Section 7-3 of the LaPorte County Code be amended to add a portion of Country Club Drive between Kowal and Johnson Road be designated as a 20 MPH zone. That such area be designated a school zone. That the LaPorte County Highway Department will place all speed limit signs as appropriate. That this Ordinance shall take effect upon its passage, posting and publication as prescribed by law.

Mrs. Huston made a motion to approve on the first reading, seconded by the chair, motion carried by voice vote 2-0. Held over until the next meeting for the second reading.

##### William Hedge, Attorney/Dolan & Spurling to Vacate Locust Lane in McCarty Acres Subdivision. (Tabled)

Mrs. Huston made a motion to take off the table, seconded by the chair, motion carried by voice vote 2-0.

Mr. Hager, Ordinance to vacate all of Locust Lane in McCarty Acres Subdivision, Rolling Prairie, LaPorte County, Indiana.

Mrs. Huston made a motion to adopt on the first reading, seconded by the chair, motion carried by voice vote 2-0.

Mr. Hager, this will be held over to our next meeting.

##### Doxpop Contract Conversion/Court Record Internet Publishing Agreement (Tabled)

Mrs. Huston made a motion to take off the table, seconded by the chair, motion carried by voice vote 2-0.

Ms. Hale, Director of Information Technology, we had signed a contract with Doxpop last year to provide our court documents over the internet. Many different people can subscribe to it and they pay Doxpop a fee. The county then gets reimbursed and it costs the County nothing. It is already in place, this is just an update to the contract. It is a very valuable tool. Doxpop does provide the Sheriff's Department, Probation Officers, and Courts in our county free access to the program.

Mrs. Huston made a motion to approve the revised contract, seconded by the chair, motion carried by a roll call vote 2-0.

#### NEW BUSINESS

##### Ordinance to Amend Chapter 8 of the LaPorte County Code Zoning and Subdivision Control

Mr. Bishop, County Planner, this Ordinance to Amend Chapter 8 of the LaPorte County Code Zoning and

Subdivision Control was adopted at Plan Commission meeting. We had three workshops and two public hearings. There are some issues about minor subdivisions creating sprawl and taking up county road frontage.

Mr. Bohacek, changes are long overdue, this will help get development where it makes economic sense for the county.

Mrs. Huston, I do have one question, Mitch, this on Junk Yards, is there any ordinance that says they have to be contained?

Mr. Bishop, we do not have an ordinance right now.

Mr. Szilagyi, There is a junk vehicle ordinance that is separate and not part of this.

Mrs. Huston made a motion to approve as amended on first reading, Mr. Bohacek seconded, motion carried by roll call vote 3-0.

Mrs. Huston made a motion to wave the rules and approve this amended ordinance on the second reading, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Ordinance #2008-17

Resolution to Transfer Excess Property

Mr. Hager, LaPorte County owns certain property bordering Johnson road, the Indiana Toll Road and County Road 400 West. We have been working on this property with the State of Indiana for the last five or six years. LaPorte County has relocated a portion of County road 400 West as it connects to Johnson Road, making it a much safer intersection and creating a small parcel of real estate.

This resolution is to transfer this property, 7 acres, to the Center Township Volunteer Fire Department for the construction of a new fire station.

Mrs. Huston made a motion to approve the resolution to transfer excess property, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Resolution #2008-12

Pressel Enterprises, Inc./ Final Plat at Mulligan's Meadow

Mr. John Saylor, I don't know how familiar you are with the subdivision, but it is located over by Rolling Prairie on the east side of 250 East, south of Highway 2 in the vicinity of Sand Ridge Subdivision. This is an extension of McCarty Acres. There are 16 lots in this subdivision. This road is completed and the utilities are under construction. AEP is complete and NIPSCO is about half way through. It has good sandy soil and is an excellent place for a subdivision. It has survived the rains we had this weekend. There are no problems in the area.

Jim Pressel, when NIPSCO gets done, we will regrade, and put things back the way it was when we started. We are waiting on road signs.

Mr. Hager, there are no bonds on it yet. Mr. McVay requested that a bond be put up.

Mrs. Huston made a motion to approve, subject to bond, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

John Lake/Closing Roads That Affect Entire Subdivisions

John Lake, I live out in Hunters Run. Apparently you authorized the closing of Sportsman Lane on August 23, 2008. We had a board meeting last week and three current residents requested to close the road and one former resident. They had a party that closed down Sportsman Lane and it was not a Hunters Run party. It was just for these three individuals. It affected the entire subdivision. A lot of people were inconvenienced and there were no notices being given to other residents and/or to the Homeowners Association. The Homeowner's Association had a lot of complaints. This was not brought before our

board. We are concerned with safety related issues.

There was a discussion on proposed road closings.

Mrs. Huston, anyone requesting road closings from now on will have to come before us with approval from the Home Owner's Association of that subdivision first, or it will not be granted by the commissioners.

Dwight Graham, Executive Director of LaPorte County Habitat for Humanity/  
Ordinance Establishing County Affordable Housing Fund, Advisory and Administrative  
Committee

Dwight Graham, we would like to support an ordinance to establish a County Affordable Housing Fund. This would set up a structure whereby the committee would establish ways and policies to support a trust fund for the county. This comes about because of a change in the state law that allows counties to establish their own local county trust funds. LaPorte County Habitat for Humanity is involved in affordable housing and we support this ordinance.

Mrs. Huston, I understand from talking to Mr. Ludlow last night, that LaPorte County will be the first county to establish this trust fund.

Mr. Bohacek, what is the funding method of this trust fund?

Mr. Ludlow, that is the second part of this. There are fees that can be established for the recording of the mortgages. The County Recorder has agreed to this. That mechanism will be set up through the Council, the funds will be established by the County Council. All the funding will come from the board. This is not just for Habitat, but more beneficial for the non for profit who may build single family homes or multi family dwellings.

Mr. Bohacek made a motion to approve, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

Mr. Bohacek made a motion to wave the rules and pass on the first reading, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

Mr. Ludlow, I will have Mr. Baugher prepare the ordinance for the Council on the funding and then I will come back before you. Once the funding mechanism is in place, we can establish the board. They must be a resident of LaPorte County to apply.

Darlene Hale/Information Technology Director

Ms. Hale, I just wanted to clarify that with the new Doxpop contract, the difference is that the small amount of money that we were getting, in lieu of that, we have the option of getting more free accounts for the county users. We wouldn't receive that small amount of money; it is the Commissioner's choice. It is a very minimal amount that we receive.

Mrs. Huston made a motion to concur with Ms. Hale and provide more accounts for the county, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mike Garwood, Garwood Orchards, Inc./Grant for Building Migrant Housing

Mr. Garwood, we are applying for a grant for building replacement migrant housing on our property. The way the system works is that the grant goes to the state. The state runs the money through the county and then from the county to a non profit organization which we have already agreed with Habitat for Humanity. It does not cost the county money. It is a \$200,000 grant to build replacement housing for employees only. Seasonal migrant labor is absolutely critical to our business. We are trying to build better accommodations and would like to take advantage of year round housing with a maximum occupancy of 18 units.

Mr. Bohacek made a motion to grant Mr. Hager the authority to sign the documentation on behalf of the Board of Commissioners, seconded by Mrs. Huston, motion carried voice vote 3-0.

PUBLIC COMMENTS

Patricia Forest, I live at 6455 W. Forrester Road. There is an issue going on and I am here to voice my opinion. Saturday, August 2, 2008, the LaPorte YMCA held their triathlon and in doing so blocked fifteen intersections on the county roads. They do not allow any of the residents to travel on the county roads. They also threaten the residents with police tickets. They stopped the mail lady this year. They have spray painted our roads. Respectfully, I request that this be denied to them in the future.

Mr. Bohacek, I spoke to the YMCA, the Commission did grant them permission. I explained to her the concern of the residents. She agreed that some of her volunteers may have been a little over zealous. This will be addressed in the future.

Mr. Hager, we will take care of it.

Mr. John Stalbaum, I have been reading in the paper about the county budget. I understand we are having trouble keeping gas in county police cars and also no pay raises to county employees. I also read that there is a construction project out for bid for a LaPorte County office building. That project was not awarded to the lowest bidder. It was awarded to the second place bidder, costing the county over \$100,000.00. I would like an explanation.

Mr. Hager, this is public comment. We do not enter into any discussion. The commissioners may talk to you after the meeting.

Mr. Szilagyi, to answer one of your questions. The main fact was that one of the bidders got to look at and go through the specs before it had been open for bid. It was my fault that the Commissioners even opened that bid. They should have rejected it before even opening it.

Jerry Kipper, this individual contractor was \$100,000 higher than the lowest bidder. I think you should have this project rebid and make it fair for all.

Fred Dockerty, I am here to address the YMCA triathlon. I have a couple of suggestions. I feel they should travel Small Road to 500 West to 150 North to Waverly Road and circle right back to the park. Traffic would be on one side of the road.

Mr. Bohacek, we are going to work with them over the next ten months to figure out a better route. This event has grown over the years. This is good for the community. We are looking for a less pragmatic route and less problems for county residents. We are very sensitive to the issue.

Dennis Metheny, Coolspring Township Trustee, many residents have called me. I was told there was no agreement to do this and then found out there was. I would appreciate anything you can do to help alleviate this situation.

Dennis Metheny, with the flooding that we've had, we have a big problem along Highway 20, in Coolspring Twp. Do I get a hold of IDOT?

Mr. Hager, Yes, the Highway Dept. has no jurisdiction over that.

#### COMMISSIONER'S COMMENTS

Mr. Bohacek, I want to thank the Highway Department, especially Rick McVay and Bob Young, there was a significant flood situation in Michiana Shores. They had to evacuate one resident by canoe. We called at 6:00 in the morning and they were there by 7:00 a.m. They really did a great job.

I also want to encourage county residents that if they have flood damage, to contact Paul Young, Director of EMA.

My second comment is, it is tax bill time again. I would like to bring this up again and I have spoken to our Treasurer about it. Today I would like to ask the Commissioners to address the right to use credit cards to pay tax bills. I would like to move forward with a Resolution for the Treasurer to accept credit cards.

Mr. Bohacek made a motion to create a Resolution for the Treasurer to accept credit cards, seconded by Mrs. Huston, motion carried by voice vote 3-0.


Mr. Hager, I would like to thank Mrs. Forest for bringing her comments forward. It was the intent of the commissioners that when we allow a road to close, the volunteers are to help see that no one gets hurt. I would also like to thank the Highway Department, they did a fantastic job.

ADJOURN

Mr. Hager adjourned the meeting at 11:15 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
William Hager, President

  
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Mike Bohacek, Vice President

\_\_\_\_\_  
Barbara Huston, Member

ATTEST:   
Teresa Shuter, LaPorte County Auditor

10/15/08